

CR 43. EVIDENCE

(a) to (f) [Reserved].

(g) Marking of Exhibits. Unless otherwise ordered by the court, on the morning of trial each party appearing shall present marked and tagged trial exhibits to the clerk. Exhibits shall be marked in accordance with the Pretrial Order. The clerk shall be provided with an original and a copy of each exhibit; provided, that leave may be sought from the court to dispense with providing copies of exhibits where bulk or other considerations would make copying, or the use of copies, impractical.

(h) Procedure at Trial.

(1) In the trial of an action the party having the affirmative of the issue shall open the cause by stating generally what he expects to prove. The opposite party shall either then, or after the opening party has closed his evidence in chief, state generally what he expects to prove. After all the evidence on each side is in, the party having the affirmative of the issue shall argue the cause to the court or jury, as the case may be, and shall, during such argument, state fully all of his points and refer to all of his authorities, or be precluded from a reply. The party holding the negative of the issue shall then argue his case, and the party having the affirmative shall close.

(2) Unless otherwise permitted by the court, counsel shall conduct the examination of witnesses and argument to the court or jury from the lectern, and counsel shall rise upon making objections or otherwise addressing the court.

(3) Not later than the close of each day of trial, counsel shall provide to opposing counsel a list of the witnesses he or she intends to call the following day of trial. This requirement may be modified for good cause shown.

(i) Examination of Witnesses. At trial only one attorney for a party shall examine or cross-examine any witness unless otherwise ordered by the court.

(j) Expert Witnesses. Except as otherwise ordered by the court, a party shall not be permitted to call more than one expert witness on any subject.

(k) Attorney as Witness. If an attorney of any party be examined as a witness on behalf of a party he represents and give testimony on the merits, he shall not argue the merits of the cause, either to the court or jury, except by the consent of the opposite party and the permission of the court.

(l) Exclusion of Witnesses. Counsel will be responsible for monitoring compliance with an order excluding witnesses from the courtroom during trial.

(m) Presence of Attorneys. It is the right and duty of attorneys to be present in the courtroom at

all times the court may be in session. If an attorney voluntarily absents himself during such times or when the jury is deliberating, he waives his right to be present and consents to such proceedings as may take place in the courtroom during his absence.

[Effective May 1, 1992; amended effective July 1, 1997.]